

Date of Meeting: November 18, 2008

**LOUDOUN COUNTY BOARD OF SUPERVISORS  
ACTION ITEM  
BOARD MEMBER INITIATIVE**

**Item # 08**

**SUBJECT: AMEND THE LOUDOUN COUNTY ZONING ORDINANCE TO BETTER  
MANAGE AND LOCATE LARGE RETAIL SALES ESTABLISHMENTS**

**INITIATED BY:** Supervisor Stevens Miller

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**RECOMMENDATION:** Supervisor Miller is recommending that the Board of Supervisors consider amending the Zoning Ordinance to require a Special Exception for large retail establishments that exceed 75,000 square feet and further consider implementing additional standards related to design and impact mitigation as may be deemed prudent. Please see attachment #1 for relevant sections of the Zoning Ordinance and possible language.

---

**BACKGROUND:**

Over the past decade, jurisdictions throughout Northern Virginia and the Greater Metropolitan Washington region have proposed and adopted amendments to their zoning ordinances to manage the size and location of large retail establishments, commonly referred to as "big box" stores. Loudoun County currently has no comparable legislation. As other jurisdictions have controlled the locating of large retail establishments, including Prince William and Fairfax Counties in Virginia and Montgomery County in Maryland, Loudoun has already seen an increased interest in large retail projects that have a more regional focus. In recent years Loudoun County has approved a number of large retail developments, particularly in the Route 50 corridor, such as Dulles Landing and the Arcola Center projects. While some projects may be compatible with wise growth strategies, the trend should be managed and the County should not assume that all retail developments are created equal. Loudoun County should be empowered to better manage where such large scale retail uses are permitted to protect smaller merchants, limit traffic impacts, promote walk-ability, and ensure compatibility with surrounding neighborhoods.

**ISSUES:**

Large retail establishments bring impacts to the areas where they locate. Supervisor Miller considers the careful and strategic placement of these establishments to be a quality of life issue. Retail centers that draw upon regional audience bring additional concerns relating to the traffic they generate, the environmental impacts they engender, and the appropriateness of their size and design within the surrounding area. Existing policies related to retail activities should be reviewed for their applicability to the nature of the Zoning Amendments this item contemplates.

Increasing square footage translates into more traffic. Engineers calculate estimated car trips based on type of retail and the square footage of gross floor area (GFA). Large sized stores have

a regional customer base and generate many more trips than a smaller store aimed at local neighborhoods. Given the fragile levels of service on Loudoun's roads, the Board of Supervisors should consider the traffic impacts of large retail establishments and how to best ensure the allowance of a variety of retail uses while controlling for negative consequences related to traffic.

Similarly, large retail stores require large parking facilities creating massive impervious surfaces that often have environmental implications related to storm water runoff. Recently, the Board dealt with such a problem during a review of an outdoor sales component for a Wal-Mart in the Dulles Landing development.

Very large retail stores can become imposing and dominant through their sheer size, but also through the limited design standards used in their facades. The imposing size and monotonous design elements make it difficult for large retail stores to remain compatible or "fit-in" with surroundings that are comprised of anything other than additional large retail developments. The Board may also wish to consider additional standards related to design, similar to the Fairfax County Ordinance (attachment #3).

**DRAFT MOTION:**

"I move that the Board of Supervisors direct staff to review this items and the attachments to create options for amending the Loudoun County Zoning Ordinance to establish a Special Exception requirement for large retail establishments in excess of 75,000 square feet or some other square footage recommended by staff. I further move that the Board of Supervisors direct staff to present options for these Zoning Ordinance Amendments to the first possible meeting of the Board's Transportation and Land Use Committee.

**ATTACHMENTS:**

- #1 – Summary of Proposed Ordinance, relevant sections of the Zoning Ordinance and suggested language for changes to the Loudoun County Zoning Ordinance.**
- #2 – Fairfax County Staff Report, Proposed Zoning Ordinance Amendment – Large Retail Sales Establishments**
- #3 – Fairfax County Zoning Amendment Regarding Large Retail Sales Establishments**
- #4 – Prince William County Zoning Text Amendment Regarding Large Retail Uses**
- #5 – Press Release from Montgomery County regarding Zoning and Large Retail Uses**
- #6 – Map displaying relative sizes of various large retailers.**

**Staff Contact(s):** Shaun Daniels, Staff Aide to Supervisor Stevens Miller

A32



FAIRFAX  
COUNTY

V I R G I N I A

BOS Mtg  
11/18/2008

Item #08 – Amend Zoning Ordinance RE: Large Retail Establishments

ATTACHMENT #2

# STAFF REPORT

## PROPOSED ZONING ORDINANCE AMENDMENT

Large Retail Sales Establishments

### PUBLIC HEARING DATES

Planning Commission

February 28, 2007 at 8:15 p.m.

Board of Supervisors

April 9, 2007 at 4:00 p.m.

PREPARED BY  
ZONING ADMINISTRATION DIVISION  
DEPARTMENT OF PLANNING AND ZONING  
703-324-1314

January 8, 2007

JER



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.  
For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

A33

## **STAFF COMMENT**

The proposed amendment is in response to a request by the Board of Supervisors (Board) and is intended to address the possible negative impacts and compatibility issues associated with the development of large retail sales establishments within neighborhoods. The proposed amendment defines a large retail sales establishment, distinguishing it from small or moderate sized retail sales establishments that are more easily integrated into local neighborhoods. Under the proposed amendment, special exception approval by the Board would be required for retail sales establishments that are sufficiently large and deemed unsuitable for by right development in certain neighborhood settings. Additional standards associated with the new special exception use have been added to ensure community compatibility and to mitigate adverse impacts.

### **Current Zoning Ordinance Provisions**

Under current Zoning Ordinance regulations, distinctions are not made between retail sales establishments on the basis of size. A retail sales establishment of any size would be allowed in any zoning district where retail sales are permitted provided that such use complies with all applicable zoning requirements, including, among others, the maximum floor area ratio limitation and the minimum yard, open space, transitional screening, tree cover and parking requirements. The current retail sales establishment definition provides, in part, for any establishment wherein the primary occupation is the sale of merchandise for use or consumption by the immediate purchaser. Excluded under the current definition are uses such as automobile-oriented uses, heavy equipment and specialized vehicle sale, rental and service establishments, quick-service food stores, vehicle light service establishments, or vehicle sale, rental and ancillary service establishments.

Retail sales establishments are currently permitted by right in the C-5 Neighborhood Retail Commercial District, C-6 Community Retail Commercial District, C-7 Regional Retail Commercial District, C-8 Highway Commercial District and C-9 Super-Regional Retail District. A retail sales establishment is also permitted in all P districts when depicted on an approved development plan. A retail sales establishment is also allowed in limited situations as an associated use with warehouse establishments or in establishments for printing, production, processing, assembly, manufacturing in the I-4 Medium Industrial District, the I-5 General Industrial District and the I-6 Heavy Industrial District.

Current Zoning Ordinance provisions do not distinguish between retail sales establishments that cater to local neighborhoods and those which are designed to serve a larger, regional, customer base. For example, a small retail store containing 1,000 square feet of gross floor area (GFA) would be viewed no differently than a general merchandise store containing 100,000 or more square feet of GFA. Where permitted by right, each of the above uses would be subject to the same regulations, irrespective of the potential community impacts that might occur.

### **Background**

At its July 10, 2006 meeting, the Board asked staff to review a draft Zoning Ordinance amendment that proposed regulations intended to mitigate the negative effects that could result

A34



when large retail establishments are established in local communities under by right circumstances. This draft amendment was presented to the Board as a seed document that could be reviewed and refined by staff.

The issue of large scale retail sales establishments having negative impacts on local neighborhoods is a concern that has some history. The subject has garnered much attention from local and national media as large store retailers in all their varieties and types continue to build new stores in nearly every community throughout the country. Recent trends suggest that large-scale retailers are finding more suburban retail markets to be saturated and, alternatively, urban locations are receiving more consideration as emerging markets. As parts of Fairfax County's trend toward a more urban character, it is likely that more large-scale "big-box" retail stores will be proposed to be built within the County.

Large, or big-box, retail stores are most notably distinguished from "main-street" or neighborhood retail sales establishments by virtue of their characteristic large footprints. Big-box stores that sell general merchandise, such as Wal-Mart, Target or K-Mart, typically contain between 90,000 and 150,000 square feet of gross floor area (GFA). Big-box specialized product stores, such as Best Buy or Home Depot, usually range in size from 60,000 to 120,000 square feet of GFA. By contrast, a typical main street retail store may contain between 1,000 and 5,000 square feet of GFA. Another example of retail store size would include a suburban grocery store (Safeway and Giant are two examples), that in recent years are typically being developed at size levels of between 60,000 and 65,000 square feet of GFA. Retail 'supercenter' stores, that contain sections devoted to general merchandise, pharmacy, food services and vehicle service products, are being built in some communities at a scale that approaches 250,000 square feet of GFA. Another physical characteristic of big-box retail stores is that they are most commonly constructed as tall one-story buildings. This type of construction results in structures with very big footprints. This, in turn, creates a very large impervious surface area, particularly when combined with associated off-street parking that is typically designed as a large asphalt surface. Such parking lots are often designed to provide sufficient parking to satisfy demand for the busiest shopping day of the year. The combined appearance of many large scale retail stores is a large nondescript building that is surrounded by parking.

Large sized retail stores typically draw upon a regional customer base which in turn causes stress on the local transportation infrastructure. The Institute of Engineers (ITE) publishes industry accepted trip generation rates for various uses, including different types of retail sales establishments. The ITE trip generation rates vary depending on the type of retail use and are based on a rate of so many trips generated per 1,000 square feet of gross floor area. The larger the retail establishment the more trips are generated. Therefore, a large retail establishment will generate more trips than a smaller retail establishment and the impact of these trips is most directly experienced at the project entrances and the associated impacts to the adjacent roadways, such as vehicles attempting to turn into or out of a site. As a result, the impacts at the neighborhood level can be significant due to the increased traffic and noise. Additional neighborhood impacts occur because big box retail sites are typically not conducive to pedestrian traffic and public transit usage. Except for sidewalks along the street frontage and service drives that are required as part of the site plan review process, vehicular and pedestrian connections are rarely given much consideration when a big-box retail property is developed by right. The

A35

limited vehicular and pedestrian connections resulting from by right development further contributes to local traffic congestion.

Large retail sales establishments can contain very imposing structures that represent a great amount of mass, particularly in contrast to surrounding buildings within a neighborhood environment. In addition to great mass, large retail sales buildings are often monotonous structures with very little design detail. Often such architectural designs are implemented with little or no consideration for how they might complement, or fit-in with, their surroundings. Big box retail stores often contain large areas of outdoor storage and display that is typically not screened from the view of adjacent properties and passing pedestrians and motorists. Unchecked, these activities can often contribute to visual clutter that can detract from and degrade a neighborhood. Large retail sales establishments require extensive outdoor lighting for parking and building security and for the safety and convenience of their customers and employees. However, extensive lighting can negatively impact adjacent properties. Due to the above reasons, large retail sales establishment developments may not be harmonious or compatible with neighborhoods; but rather, they may serve to detract from a community's cohesiveness.

#### **Proposed Amendment**

In an attempt to mitigate the negative impacts that can accompany larger retail sales establishment developments, the proposed amendment provides a basis by which large retail sales establishments can be distinguished from smaller retail sales establishments of lesser impact. A new definition for "retail sales establishment-large" has been provided in Article 20 that establishes a size limit that will determine whether a retail sales establishment could be developed either by right or by special exception approval. Under the proposed definition, a retail sales establishment that contains 80,000 square feet or more of GFA would be considered a *large* retail sales establishment. Staff believes that a threshold of 80,000 square feet of GFA is an appropriate level at which a retail sales establishment should be subject to special exception approval by the Board in order to ensure that it is developed in harmony with its neighboring properties. As noted in the background section, 80,000 square feet is sufficiently large to accommodate grocery stores and other retail sales establishments that are commonly found in neighborhood shopping centers. However, in order to provide the Board the opportunity to consider other square footage thresholds, the proposed amendment provides a range between 80,000 and 120,000 square feet of GFA. The Board can select any GFA within the advertised range and still be within the scope of advertising.

Retail sales establishments containing 80,000 square feet or more of GFA, that are located within a building that contains a minimum of 1,000,000 square feet of GFA [advertised range is 500,000 to 1,000,000 square feet of GFA] with at least six principal uses all of which are connected to form a continuous structure, would be considered a *large* retail sales establishment under the proposed definition; however, under such circumstances it would not be subject to special exception approval. Staff believes that larger retail stores that are contained within developments of very large size, such as the malls located at Fair Oaks, Tysons Corner, Tysons Corner II, and Springfield, that contain 1,000,000 or more square feet of GFA, should not be subject to special exception approval. The larger sized shopping centers and/or mixed use developments also

A36



provide greater flexibility in mitigating negative impacts of the development through the ability to provide transportation improvements, such as traffic signals, new roads and turn lanes, an overall integrated and coordinated site design, and the provision of noise barriers. Given the limited amount of land area and road frontage, a small retail/commercial center has less opportunity to mitigate the traffic, noise and visual impacts on a site than a larger retail/commercial center.

As proposed under this amendment, large retail sales establishments would be permitted in the C-6, C-7, C-8 and C-9 Districts with special exception approval by the Board of Supervisors, unless located in a structure that contains 1,000,000 or more square feet of GFA and at least six other principal uses. Under such circumstances, a large retail sales establishment would be allowed by right. In addition, large retail establishments would be permitted in the PDC and the Village Center, Town Center and Convention/Conference Center portions of the PRC District when depicted on an approved development plan or with special exception approval, other than noted above, by the Board when not depicted on an approved development plan.

Large retail sales establishments that require a special exception would be subject to the general standards set forth in Sect. 9-006 of the Zoning Ordinance that apply to all special exceptions. Among others, the general standards require that the use be in harmony with the general purpose and intent of the applicable zoning district regulations; be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan; and that the pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

In addition to the general special exception standards, large retail sales establishments would be subject to the additional standards contained in a proposed new Sect. 9-533. The proposed additional standards are designed to protect adjacent properties and the local area road system from adverse impacts. Under these additional standards the Board may impose a number of conditions and restrictions that it may deem necessary to mitigate negative impacts. The proposed additional standards in Sect. 9-533 include restrictions on how parking is designed to reduce impacts on adjacent properties and to enhance both inter-parcel and intra-parcel circulation for pedestrian and vehicular traffic. The use must be designed to provide safe and convenient access, to minimize and potential conflicts between services and delivery vehicles, passenger vehicles and pedestrian traffic, and to minimize lighting and noise impacts from the use on adjacent properties. Another proposed standard requires that structures be designed to protect the character of the neighborhood in which located through the use of architectural and site design methods that are geared toward reducing the effects of monotonous, large scale building design. Standards are also provided to ensure full screening of service, storage and display of goods. The area and extent of such subordinate uses or activities would be required to be designated on an approved plat. Signage would have to be provided in such a manner as to not add to street clutter or otherwise detract from the character of the surrounding properties.

The proposed amendment also incorporates the new large retail sales establishment use in the Airport Noise Compatibility Table in Article 7, the minimum parking requirements in Article 11 and the Transitional Screening and Barrier Matrix in Article 13. The Airport Noise

A37

Compatibility Table prescribes the interior noise level standards that are applicable to the construction of new structures and the alteration or repair of existing buildings that are located in the Airport Noise Overlay District. Given that the airport noise impacts are the same regardless of the size of the building, it is appropriate for the new large retail sales establishment use to have the same interior noise level standards as all other retail sales establishments. Retail sales establishments have a parking rate of one space per 200 square feet of net floor area for the first 1,000 square feet, plus six spaces per each additional 1000 square feet. Retail sales establishments that are located within a shopping center may park at the shopping center rate, with the parking rate varying with the size of the shopping center. Given the existing graduated parking rates for shopping centers, staff believes it appropriate to require the same parking rate for large retail sales establishments as is required for retail sales establishments. Finally, in order to minimize the noise and visual impacts from large retail sales establishments on neighboring residential properties, staff is recommending that a 50 foot wide landscaped buffer (Transitional Screening Type 3) be provided when such use is located adjacent to single family residential and a 35 foot wide landscaped buffer (Transitional Screening Type 2) be provided when such use is located adjacent to multiple family residential.

Finally, the proposed amendment revises the existing definition of retail sales establishment in Article 20. The current definition states, in part, that a retail sales establishment is "[a]ny establishment wherein the primary occupation is the sale of merchandise *in small quantities, in broken lots or parcels, not in bulk*, for the use or consumption by the immediate purchaser." (Italics added.) The proposed amendment deletes the italicized wording in order to codify a long-standing interpretation that membership retail stores and other stores that may sell a portion of their merchandise in bulk, but primarily provide goods to the immediate purchaser, have been considered retail sales establishments. Under the proposed amendment such uses would be either a retail sales establishment or large retail sales establishment, depending on size.

### Summary

The proposed amendment recognizes that negative impacts may be associated with the development of large scale retail uses. These uses can adversely affect adjacent properties because of their size and the increased traffic and noise they generate. Under current Zoning Ordinance regulations, large "big-box" retail stores are allowed by right in a number of commercial districts and are not subject to use limitations or standards that might otherwise protect a local neighborhood against such stores' negative impacts. The proposed amendment would correct this situation by establishing a size distinction for retail sales establishments that would be allowed by right and for those certain larger uses that would require special exception approval by the Board. It provides a further distinction, beyond size, which acknowledges that large retail stores, when contained within a very large building of at least 1,000,000 square feet, such as a regional mall, would not be subject to a special exception approval process as such uses do not present the same negative impact issues that are associated with large retail stores in neighborhood settings.

The proposed amendment would provide additional standards for large retail sales establishments that will enable the Board to ensure that such uses will be developed in a way that protects the character of existing neighborhoods. These standards will allow the promotion of quality

A38



architectural and site design and will provide measures to ensure that appropriate attention is given to traffic, landscaping, screening, signage and other components of good site development.

Staff believes that the proposed amendment provides regulations that can effectively reduce the negative impacts associated with big box retail development. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption. In recognition that this amendment may impact large retail sales establishments that have previously been approved but have not been constructed, staff is recommending that the following developments be grandfathered from the proposed large retail sales establishment requirements:

- A large retail sales establishment depicted on an approved proffered generalized development plan or on an approved conceptual/final development plan or on an approved development plan when such approval was granted prior to the effective date of the amendment; and
- A large retail sales establishment depicted on a site plan that was approved prior to the effective date of the amendment and is diligently being prosecuted.

A39

## PROPOSED AMENDMENT

*This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 8, 2007 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.*

*The item in bold brackets is provided for advertising purposes and to allow the Board to approve any number within the listed range. The underlined text outside of the brackets is the staff recommendation.*

1 Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions,  
2 by revising the definition of retail sales establishment and adding a new retail sales  
3 establishment-large definition in its proper alphabetical order to read as follows:  
4

5 **RETAIL SALES ESTABLISHMENT:** Any establishment wherein the primary occupation is the  
6 sale of merchandise ~~in small quantities, in broken lots or parcels, not in bulk~~; for use or consumption  
7 by the immediate purchaser. This term shall also include establishments such as television and tool  
8 rental establishments and photographic and portrait studios. For the purpose of this Ordinance,  
9 however, retail sales establishment shall not be deemed to include **AUTOMOBILE-ORIENTED**  
10 **USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND SERVICE**  
11 **ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS-LARGE, QUICK-SERVICE FOOD**  
12 **STORES, VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE, RENTAL**  
13 **AND ANCILLARY SERVICE ESTABLISHMENTS.**  
14

15 **RETAIL SALES ESTABLISHMENT-LARGE:** Any establishment containing 80,000 square feet or  
16 **more of gross floor area [Advertised range is 80,000 to 120,000 square feet of gross floor area]**  
17 **wherein the primary occupation is the sale of merchandise for the consumption by the immediate**  
18 **purchaser. Additionally, a retail sales establishment-large shall not be deemed to include**  
19 **AUTOMOBILE-ORIENTED USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE,**  
20 **SALE, RENTAL AND SERVICE ESTABLISHMENTS, RETAIL SALES**  
21 **ESTABLISHMENTS, VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE,**  
22 **RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.**  
23  
24

25 Amend Article 4, Commercial District Regulations, C-6, C-7, C-8 and C-9 Districts, as follows:  
26

27 - Amend Sections 4-602, 4-702, 4-802 and 4-902, Permitted Uses Sections, by adding a new  
28 Par. 30 to Sect. 4-602, a new Par. 35 to Sections 4-702 and 4-802, and a new Par. 25 to  
29 Sect. 4-902, to read as follows and renumbering the subsequent paragraphs accordingly.

A40



25, 30 or 35 Retail sales establishments-large, limited by the provisions of Sect. 605 [705, 805 or 905] below.

- Amend Sections 4-604, 4-704, 4-804 and 4-904, Special Exception Uses Sections, by adding a new Par. 4P to Sect. 4-604, a new Par. 4Q to Sections 4-704 and 4-804 and a new Par. 4M to Sect. 4-904, to read as follows and relettering the subsequent paragraphs accordingly.

4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

M., P. or Q. Retail sales establishments-large

- Amend Sections 4-605, 4-705, 4-805 and 4-905, Use Limitations, by adding a new Par. 12 to Sect. 4-605, a new Par. 14 to Sect. 4-705, and a new Par. 15 to Sections 4-805 and 4-905, to read as follows:

12, 14 or 15 Retail sales establishments-large shall be permitted by right in accordance with the following:

When such use is located within a building that contains a minimum of 1,000,000 square feet of gross floor area [advertised range is 500,000 to 1,000,000 square feet of gross floor area] with at least six (6) principal uses all of which are connected by party walls, partitions or similar structural members to form one continuous structure.

Retail sales establishments that do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

Amend Article 6, Planned Development District Regulations, as follows:

- Amend the PDC District, Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 4K to read as follows and by relettering the subsequent paragraphs accordingly.

4. Commercial and industrial uses of special impact (Category 5), limited to:

K. Retail sales establishments-large, limited by the provisions of Sect. 9-533

- Amend the PRC Planned Residential Community District, Sect. 6-302, Permitted Uses, as follows:

- Amend Par. C (Village Center), by adding a new Par. C(3)(j) to read as follows and relettering the subsequent paragraphs accordingly.

A41

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(i) Retail sales establishments-large, limited by the provisions of Sect. 9-533

- Amend Par. E (Convention/Conference Center), by adding a new Par. E(3)(g) to read as follows and relettering the subsequent paragraphs accordingly.

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(g) Retail sales establishments-large, limited by the provisions of Sect. 9-533

**Amend Article 9, Special Exceptions, Part 5, Category 5 Commercial and Industrial Uses of Special Impact, as follows:**

- Amend Sect. 9-501, Category 5 Special Exception Uses, by adding a new Par. 43 to read as follows:

43. Retail sales establishments-large.

- Amend Sect. 9-502, Districts in Which Category 5 Uses May be Located, by revising the PDC and PRC, C-6, C-7, C-8 and C-9 District entries in Par. 1 and the C-6, C-7, C-8 and C-9 entries in Par. 2 to read as follows:

1. Category 5 uses may be permitted by right or as an accessory service use in the following districts:

PDC District: Limited to uses 1, 2, 3, 6, 9, 10, 11, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 38, 39, and kennels (indoor) and 43 when represented on an approved development plan

PRC District: Limited to uses 1, 2, 3, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 37, 38, 39, and kennels (indoor), and 42 and 43 when represented on an approved development plan

C-6 District: Limited to uses 6, 9, 11, 12, 17, 18, 20, 22, 23, 32, 36, and kennels (indoor) and 43

C-7 District: Limited to uses 1, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 32, 36, and kennels (indoor) and 43

C-8 District: Limited to uses 2, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 26, 32, 36, and kennels (indoor) and 43

C-9 District: Limited to uses 1, 6, 9, 11, 14, 17, 20, 22, 23, 32, 36, and kennels (indoor) and 43

A42



2. Category 5 uses may be allowed by special exception in the following districts:

C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, and 39 and 43

C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, and 39 and 43

C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, and 39 and 43

C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, and 37 and 43

- Add a new Sect. 9-533, to read as follows:

**9-533 Additional Standards for Retail Sales Establishments-Large**

In the C-6, C-7, C-8, C-9, PDC and PRC Districts, the Board may approve a special exception to allow a retail sales establishment containing 80,000 square feet or more of gross floor area [advertised range is 80,000 to 120,000 square feet of gross floor area] which is not otherwise permitted by right subject to the following standards:

1. The Board shall determine that a retail sales establishment-large will be compatible with and not adversely impact adjacent properties and the local area road system. The Board may impose such conditions and restrictions which it may deem necessary to ensure compatibility and to mitigate adverse impacts, which may include, but not be limited to the following:
  - A. Hours of operation and other operational restrictions;
  - B. Site development or design standards; and
  - C. Transitional screening and landscaping requirements.
2. The Board shall determine that parking as required by Article 11 is provided and is designed in such a manner as to minimize impacts on adjacent properties through the use of methods which may include, but are not limited to, structured parking, location and distribution of parking, and landscaping techniques. All required parking shall be provided on-site.
3. Such use shall be designed so that pedestrian circulation is coordinated on-site and on adjacent properties for the purpose of maximizing ease of inter-parcel and intra-parcel movement.

A43

4. Such use shall be designed to provide safe and convenient access, to minimize any potential conflicts between service and delivery vehicles, passenger vehicles and pedestrian traffic.
5. Such use shall be designed in such a manner as to minimize noise from impacting adjacent properties.
6. Outdoor lighting associated with such uses shall be designed to minimize the impacts of glare, light trespass and overlighting and to promote a safe and secure environment for pedestrian and vehicular traffic; such lighting shall be subject to the provisions of Part 9 of Article 14.
7. The structures shall be designed to protect the character of the neighborhood in which located through the use of architectural design and site design methods. The layout and architecture shall be designed in such a manner that reduces monotonous effects and impacts caused by building bulk through the use of techniques that may include, but are not limited to, variations in roof lines, variations in building setbacks, landscaping and by enhanced architectural treatments to all sides of a building. In cases where there is a significant contrast in topography between the subject property and adjacent properties, appropriate mitigation methods, such as screening, shall be considered in order to mitigate potential noise and/or visual impacts. All rooftop mechanical structures shall be screened or fully enclosed within a structure so they are not visible from the ground level of adjacent properties.
8. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities, with the exception of outdoor seating, service, storage and display that is clearly subordinate to the retail sales use and which may be allowed subject to the following conditions:
  - A. The area and extent of all outdoor seating areas and outdoor areas for the service, storage and display of goods shall be designated on the approved plat. The Board may condition the location, size and extent of any such areas or associated structures. No such storage, display or sales area shall be located in any required minimum yard.
  - B. All outdoor service, storage and display, with the exception of outdoor seating, shall be fully screened using structures and materials and design elements that are compatible with those used in the principal structure. Screening methods shall include solid fences, walls, berms, evergreen hedges or a fence, wall, berm and/or landscaping combination.
9. All signs shall be in scale and harmony with the development and shall be located and sized as to ensure convenience to the visitor, user or occupant while not

A44



adding to street clutter or detracting from the character of the surrounding properties.

**Amend Article 7, Overlay District and Commercial Revitalization District Regulations, Part 4, Airport Noise Impact Overlay District, Noise Compatibility Table, by revising the retail sales establishments entry to read as follows:**

Uses	Noise Impact Areas (DNL dBA)		
	75+	70-75	65-70
Retail sales establishments <sup>1</sup> & retail sales establishments-large	P2	P3	P

<sup>1</sup>Retail sales establishments to include adult bookstores, convenience centers, drug paraphernalia establishments, drive-through pharmacies and quick-service food stores.

**Amend Article 11, Off-Street Parking and Loading, Private Streets, Part 1, Off-Street Parking, Sect. 11-104, Minimum Required Spaces for Commercial and Related Uses, by revising Par. 20 to read as follows:**

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

20. Retail Sales Establishment and Retail Sales Establishment-Large, except Furniture or Carpet Store:

One (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet

**Amend Article 13, Landscaping and Screening, by revising the Transitional Screening and Barrier Matrix, by adding the following use to Par. 9 in its proper alphabetical order to read as follows:**

9. Retail sales establishments-large

A45

**Corrected ZO-07-399**

**ADOPTION OF AN AMENDMENT TO CHAPTER 112  
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Monday, May 21, 2007, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,  
VIRGINIA:**

Amend Chapter 112 (Zoning Ordinance), as follows:

A46



**Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by revising the definition of retail sales establishment and adding a new retail sales establishment-large definition in its proper alphabetical order to read as follows:**

**RETAIL SALES ESTABLISHMENT:** Any establishment wherein the primary occupation is the sale of merchandise for use or consumption by the immediate purchaser. This term shall also include establishments such as television and tool rental establishments and photographic and portrait studios. For the purpose of this Ordinance, however, retail sales establishment shall not be deemed to include AUTOMOBILE-ORIENTED USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND SERVICE ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS-LARGE, QUICK-SERVICE FOOD STORES, VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

**RETAIL SALES ESTABLISHMENT-LARGE:** Any establishment containing 80,000 square feet or more of gross floor area wherein the primary occupation is the sale of merchandise for the consumption by the immediate purchaser. Additionally, a retail sales establishment-large shall not be deemed to include AUTOMOBILE-ORIENTED USES, HEAVY EQUIPMENT AND SPECIALIZED VEHICLE, SALE, RENTAL AND SERVICE ESTABLISHMENTS, RETAIL SALES ESTABLISHMENTS, VEHICLE LIGHT SERVICE ESTABLISHMENTS, OR VEHICLE SALE, RENTAL AND ANCILLARY SERVICE ESTABLISHMENTS.

**Amend Article 4, Commercial District Regulations, C-6, C-7, C-8 and C-9 Districts, as follows:**

- **Amend Sections 4-602, 4-702, 4-802 and 4-902, Permitted Uses Sections, by adding a new Par. 30 to Sect. 4-602, a new Par. 35 to Sections 4-702 and 4-802, and a new Par. 25 to Sect. 4-902, to read as follows and renumbering the subsequent paragraphs accordingly.**

25, 30 or 35     Retail sales establishments-large, limited by the provisions of Sect. 605 [705, 805 or 905] below.

- **Amend Sections 4-604, 4-704, 4-804 and 4-904, Special Exception Uses Sections, by adding a new Par. 4P to Sect. 4-604, a new Par. 4Q to Sections 4-704 and 4-804 and a new Par. 4M to Sect. 4-904, to read as follows and relettering the subsequent paragraphs accordingly.**

4.     **Category 5 – Commercial and Industrial Uses of Special Impact, limited to:**

M., P. or Q.     Retail sales establishments-large

A47

- **Amend Sections 4-605, 4-705, 4-805 and 4-905, Use Limitations, by adding a new Par. 12 to Sect. 4-605, a new Par. 14 to Sect. 4-705, and a new Par. 15 to Sections 4-805 and 4-905, to read as follows:**

12, 14 or 15 Retail sales establishments-large shall be permitted by right in accordance with the following:

When such use is located within a building that contains a minimum of 1,000,000 square feet of gross floor area with at least six (6) principal uses all of which are connected by party walls, partitions or similar structural members to form one continuous structure.

Retail sales establishments that do not meet the limitations set forth above may be allowed by special exception in accordance with the provisions of Article 9.

**Amend Article 6, Planned Development District Regulations, as follows:**

- **Amend the PDC District, Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 4K to read as follows and by relettering the subsequent paragraphs accordingly.**

4. Commercial and industrial uses of special impact (Category 5), limited to:

K. Retail sales establishments-large, limited by the provisions of Sect. 9-533

- **Amend the PRC Planned Residential Community District, Sect. 6-302, Permitted Uses, as follows:**

- **Amend Par. C (Village Center), by adding a new Par. C(3)(j) to read as follows and relettering the subsequent paragraphs accordingly.**

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(j) Retail sales establishments-large, limited by the provisions of Sect. 9-533

- **Amend Par. E (Convention/Conference Center), by adding a new Par. E(3)(g) to read as follows and relettering the subsequent paragraphs accordingly.**

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(g) Retail sales establishments-large, limited by the provisions of Sect. 9-533

A48



**Amend Article 9, Special Exceptions, Part 5, Category 5 Commercial and Industrial Uses of Special Impact, as follows:**

- **Amend Sect. 9-501, Category 5 Special Exception Uses, by adding a new Par. 43 to read as follows:**

**43. Retail sales establishments-large.**

- **Amend Sect. 9-502, Districts in Which Category 5 Uses May be Located, by revising the PDC and PRC, C-6, C-7, C-8 and C-9 District entries in Par. 1 and the C-6, C-7, C-8 and C-9 entries in Par. 2 to read as follows:**

1. **Category 5 uses may be permitted by right or as an accessory service use in the following districts:**

**PDC District** Limited to uses 1, 2, 3, 6, 9, 10, 11, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 38, 39, kennels (indoor) and 43 when represented on an approved development plan

**PRC District:** Limited to uses 1, 2, 3, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 37, 38, 39, kennels (indoor), 42 and 43 when represented on an approved development plan

**C-6 District:** Limited to uses 6, 9, 11, 12, 17, 18, 20, 22, 23, 32, 36, kennels (indoor) and 43

**C-7 District:** Limited to uses 1, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 32, 36, kennels (indoor) and 43

**C-8 District:** Limited to uses 2, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 26, 32, 36, kennels (indoor) and 43

**C-9 District:** Limited to uses 1, 6, 9, 11, 14, 17, 20, 22, 23, 32, 36, kennels (indoor) and 43

2. **Category 5 uses may be allowed by special exception in the following districts:**

**C-6 District:** Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43

**C-7 District:** Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39 and 43

**C-8 District:** Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39 and 43

**C-9 District:** Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, 37 and 43

A49

- Add a new Sect. 9-533, to read as follows:

**9-533 Additional Standards for Retail Sales Establishments-Large**

In the C-6, C-7, C-8, C-9, PDC and PRC Districts, the Board may approve a special exception to allow a retail sales establishment containing 80,000 square feet or more of gross floor area which is not otherwise permitted by right subject to the following standards:

1. The Board shall determine that a retail sales establishment-large will be compatible with and not adversely impact adjacent properties and the local area road system. The Board may impose such conditions and restrictions which it may deem necessary to ensure compatibility and to mitigate adverse impacts, which may include, but not be limited to the following:
  - A. Hours of operation and other operational restrictions;
  - B. Site development or design standards; and
  - C. Transitional screening and landscaping requirements.
2. The Board shall determine that parking as required by Article 11 is provided and is designed in such a manner as to minimize impacts on adjacent properties through the use of methods which may include, but are not limited to, structured parking, location and distribution of parking, and landscaping techniques. All required parking shall be provided on-site.
3. Such use shall be designed so that pedestrian and bicycle circulation is coordinated on-site and on adjacent properties for the purpose of maximizing ease of inter-parcel and intra-parcel movement.
4. Such use shall be designed to provide safe and convenient access, to minimize any potential conflicts between service and delivery vehicles, passenger vehicles and pedestrian traffic.
5. Such use shall be designed in such a manner as to minimize noise from impacting adjacent properties.
6. Outdoor lighting associated with such uses shall be designed to minimize the impacts of glare, light trespass and overlighting and to promote a safe and secure environment for pedestrian and vehicular traffic; such lighting shall be subject to the provisions of Part 9 of Article 14.

A50



7. The structures shall be designed to protect the character of the neighborhood in which located through the use of architectural design and site design methods. The layout and architecture shall be designed in such a manner that reduces monotonous effects and impacts caused by building bulk through the use of techniques that may include, but are not limited to, variations in roof lines, variations in building setbacks, landscaping and by enhanced architectural treatments to all sides of a building. In cases where there is a significant contrast in topography between the subject property and adjacent properties, appropriate mitigation methods, such as screening, shall be considered in order to mitigate potential noise and/or visual impacts. All rooftop mechanical structures shall be screened or fully enclosed within a structure so they are not visible from the ground level of adjacent properties.
8. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities, with the exception of outdoor seating, service, storage and display that is clearly subordinate to the retail sales use and which may be allowed subject to the following conditions:
  - A. The area and extent of all outdoor seating areas and outdoor areas for the service, storage and display of goods shall be designated on the approved plat. The Board may condition the location, size and extent of any such areas or associated structures. No such storage, display or sales area shall be located in any required minimum yard.
  - B. All outdoor service, storage and display, with the exception of outdoor seating, and up to 250 square feet of display area, shall be fully screened using structures and materials and design elements that are compatible with those used in the principal structure. Screening methods shall include solid fences, walls, berms, evergreen hedges or a fence, wall, berm and/or landscaping combination.
9. All signs shall be in scale and harmony with the development and shall be located and sized as to ensure convenience to the visitor, user or occupant while not adding to street clutter or detracting from the character of the surrounding properties.

**Amend Article 7, Overlay District and Commercial Revitalization District Regulations, Part 4, Airport Noise Impact Overlay District, Noise Compatibility Table, by revising the retail sales establishments entry to read as follows:**

A51

Uses	Noise Impact Areas (DNL dBA)		
	75+	70-75	65-70
Retail sales establishments <sup>1</sup> & retail sales establishments-large	P2	P3	P

<sup>1</sup>Retail sales establishments to include adult bookstores, convenience centers, drug paraphernalia establishments, drive-through pharmacies and quick-service food stores.

**Amend Article 11, Off-Street Parking and Loading, Private Streets, Part 1, Off-Street Parking, Sect. 11-104, Minimum Required Spaces for Commercial and Related Uses, by revising Par. 20 to read as follows:**

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

20. Retail Sales Establishment and Retail Sales Establishment-Large, except Furniture or Carpet Store:

One (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet

**Amend Article 13, Landscaping and Screening, by revising the Transitional Screening and Barrier Matrix, by adding the following use to Par. 9 in its proper alphabetical order to read as follows:**

9. Retail sales establishments-large

**This amendment shall become effective on May 22, 2007 at 12:01 a.m. with the following grandfathered from the large retail sales establishment requirements:**

- A special exception, special permit, conceptual development plan, final development plan, development plan or proffered generalized development plan approved prior to May 22, 2007 that allows a retail sales establishment that is equal to or greater than 80,000 square feet of gross floor area; provided that such retail sales establishment is in substantial conformance with the approved plan, proffers and/or conditions; and
- A site plan approved prior to May 22, 2007 that allows a retail sales establishment

A52



that is equal to or greater than 80,000 square feet of gross floor area, provided that such site plan is diligently being prosecuted.

- For the purpose of this amendment, the words "replacement" and "enlargement", as used in Par. 2 of Sect. 15-101, shall not be deemed to include any interior or exterior alteration, demolition and/or reconstruction, either completely or in part, of a building or use existing as of May 22, 2007, provided such changes:
  1. Do not result in an increase in gross floor area (GFA) of more than 2.5 percent existing as of May 22, 2007;
  2. Are within the building footprint existing as of May 22, 2007, and/or are within an expanded footprint not to exceed 2.5 percent of the area of the footprint existing as of May 22, 2007.
  3. Do not result in an increase in the building height existing as of May 22, 2007 other than that resulting from a roof replacement and/or roof redesign.

GIVEN under my hand this 21st day of May, 2007.

---

NANCY VEHR

Clerk to the Board of Supervisors

A53



Craig S. Gerhart  
County Executive

**COUNTY OF PRINCE WILLIAM**  
**OFFICE OF EXECUTIVE MANAGEMENT**  
1 County Complex Court, Prince William, Virginia 22192-9201  
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

April 8, 2004

**BOARD OF COUNTY SUPERVISORS**  
Sean T. Connaughton, Chairman  
Maureen S. Caddigan, Vice Chairman  
Hilda M. Barg  
W. S. "Walky" Covington, III  
John D. Jenkins  
Martin E. Nohe  
Corey A. Stewart  
John T. Stirrup

BOS Mtg  
11/18/2008  
Item #08 - Amend Zoning Ordinance RE: Large Retail Establishments

**ATTACHMENT #4**

**TO:** Board of County Supervisors

**FROM:** Stephen K. Griffin, AICP *[Signature]*  
Director of Planning

**THRU:** Craig S. Gerhart  
County Executive

**RE:** Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box)  
(All Magisterial Districts)

**I. Background is as follows:**

- A. Initial Staff Report - A report was prepared by staff dated March 21, 2003, that analyzed the potential to regulate large-scale retail uses, also known as "big box retail."
- B. Initiation of Zoning Text Amendment - On April 8, 2003, the Board initiated a zoning text amendment to require that retail facilities above 80,000 square feet be permitted only with a special use permit. Such uses would be limited to areas appropriate for large retail uses, except where uses occupy an existing building. The Zoning Ordinance would include design guidelines.
- C. Scheduling of Zoning Text Amendment - On February 17, 2004, the Board directed that the zoning text amendment be scheduled for public hearing as soon as the notice provisions of the law permitted. The Board asked that the Planning Commission make a recommendation on the zoning text amendment no later than March 31, 2004.
- D. Exemptions - When the Board directed the zoning text amendment be scheduled, they requested that staff examine if the amendment should be further modified to allow an exemption from the special use permit requirement for properties located in the Regional Commercial Center (RCC) designation of the Comprehensive Plan, and an exemption for replacement buildings with an expansion square footage limit.

A54



- E. Other Requests – In addition to requesting that staff examine exemptions from the special use permit requirement, the Board also requested that staff examine, as part of the Zoning Ordinance update, whether to require a special use permit for any large, freestanding retail big box use 40,000 square feet or greater in size, and whether a special use permit should be required for any large retail big box use no matter if freestanding or connected as part of a shopping center or mall.

II. Current Situation is as follows:

- A. Planning Commission Recommendation – The Planning Commission recommends approval of Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box), Alternative A.
- B. Office of Planning Recommendation – Staff recommends approval of Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box), Alternative A.
- C. Zoning Ordinance Review Committee (ZORC) – ZORC reviewed the draft zoning text amendment on March 8, 2004. Other than some minor clarifying revisions, ZORC recommends approval of Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box), Alternative A.
- D. Public Hearing - A public hearing before the Board of County Supervisors has been advertised for April 20, 2004.

III. Issues in order of importance are as follows:

- A. Policy Implications:
1. Requirement Change – Is the requirement for a special use permit different from current regulations?
  2. Exemptions – How do the exemptions the Board asked staff to examine impact the text amendment?
  3. Nonconforming Status – Will existing uses be subject to the provisions of the amendment?
  4. Circumvention Potential – If the text amendment is adopted, is there a possibility it can be circumvented?
  5. Benefit of Regulation – Will the provisions of the text amendment better regulate large, freestanding retail big box uses?

A55

- B. Legal Uses of the Property – How are legal issues resulting from Board actions addressed?
- C. Timing – What are the time constraints for action by the Board on this application?
- D. Fiscal Implications – What are the fiscal implications of the zoning text amendment?
- E. Community Input – Have members of the community raised any issues?

IV. Alternatives, beginning with the staff recommendation, are as follows:

- A. Approve Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box), as contained in Attachment A.

1. Policy Implications:

- a) Requirement Change – The requirement for a special use permit for large, freestanding retail big box uses is not currently a standard in the B-1 or B-R zoning districts. In the B-2, there are long-standing requirements for a special use permit for any use over 30,000 square feet. There is a square footage limit for shopping centers in the B-1, but there are no provisions to require a special use permit for larger size centers. In the B-3, retail uses are limited to 30,000 square feet.

The text amendment is directed towards large, freestanding retail big box uses as opposed to shopping centers. This is the use the Board expressed concern about in view of the vacancy of a number of such uses in the County, their appearance, and issues raised by citizens about these uses. Accordingly, for purposes of this text amendment, minimum standards are proposed to be included within the Zoning Ordinance, in addition to conditions approved with a special use permit, only for large, freestanding retail big box uses. They are included as follows:

- architectural building materials, subtle colors, façade treatments, pedestrian coverings, and roofing design (optional);
- more intense landscaping strips along right-of-way and property boundaries and increased landscaping in parking lots;
- improved pedestrian access; and
- maintenance plan/adaptive reuse plan.

A56



b) Exemptions:

- i) RCC. Regional Commercial Center – Staff examined the four RCC areas in Prince William County. There is substantial acreage remaining in three of the four RCC areas to accommodate large, freestanding retail big box uses. These RCC areas are the likely and preferred locations for this use. Exempting a use from a zoning requirement because of a Comprehensive Plan land use designation is questionable if the use is otherwise allowed in the same zoning district in other Comprehensive Plan land use designations and not afforded the same privilege.
- ii) Replacement Building – As for allowing an exemption if a large, freestanding retail big box use replaces an existing retail footprint, such an exemption would be contrary to the long-standing nonconforming standards of the Zoning Ordinance, which require that complete replacement of a structure comply with all current requirements of the Zoning Ordinance. Currently there are no exceptions to this standard, except in the case of casualty and in the Redevelopment Overlay District (ROD).
- c) Nonconforming Status – Existing large, freestanding retail big box uses would continue without a special use permit. They would become nonconforming uses. They would only be required to obtain a special use permit if they expanded beyond 25% of the gross floor area of the existing building.
- d) Circumvention Potential – Some large, freestanding retail big box uses may choose to add four or more attached units or connect with partition walls to an existing shopping center, in which case the use would be deemed a shopping center by current Zoning Ordinance definition. Consequently, the large retail big box use would not be subject to the special use permit requirement.
- e) Benefit of Regulation – The impacts of a use are mitigated with a special use permit. In the case of large, freestanding retail big box uses, the special use permit requirement will provide conditions beyond those proposed to be provided in the Zoning Ordinance, such as level of service mitigation, hours of operation, public input, right-of-way reservations and other transportation improvements, site-specific environmental issues, and overall site design.

A57

2. Legal Uses of the Property – Pursuant to Section 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change. Legal issues resulting from Board actions are appropriately addressed by the County Attorney's office.
3. Timing – There is no time requirement for Board action on a zoning text amendment.
4. Fiscal Implications:
  - a) Cost – The most direct cost related to the amendment is for staff resources to process a special use permit for a use that heretofore did not require a special use permit. Staff anticipates no more than five special use permit applications for this use in as many years. These costs will not be offset by the current fee paid with the filing of a special use permit. Standardizing provisions, as recommended in the text amendment, will somewhat minimize staff effort involved with the processing of special use permit applications.
  - b) Revenue – A revenue source related to the requirement of a special use permit for large, freestanding retail big box uses would be monetary contributions conditioned as part of the special use permit to offset impacts for fire and rescue, storm water management and, in some cases, for transportation.
5. Community Input – Notification of the zoning text amendment has been advertised in the local media. Properties were not posted nor were notices sent to individual properties. As of the date of this report, issues expressed to staff and the Planning Commission regarding this amendment are as follows:
  - a) conflict with proffered design guidelines;
  - b) design restraints;
  - c) building material restrictions;
  - d) tear down provision;
  - e) parking lot and landscaping design;
  - f) delivery restrictions; and
  - g) nonconforming rights.

These issues have been addressed through provisions proposed with the zoning text amendment and can be negotiated as part of a special use permit application.

A58



B. Approve Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box) with exemptions, as contained in Attachment B.

1. Policy Implications:

- a) Requirement Change – The requirement for a special use permit in the B-1 and B-R zoning districts for large, freestanding retail big box uses would not apply in areas designated RCC, Regional Commercial Center in the Comprehensive Plan nor for replacement buildings unless they expand more than 25%. Existing zoning requirements as stated in Alternative A would remain in effect in other zoning districts.
- b) Exemptions – The implications, if exemption provisions from the special use permit requirement in Attachment B are adopted, would be the same as those articulated in Alternative A.
- c) Nonconforming Status – As stated in Alternative A, existing big box uses would continue without a special use permit. In those instances where exemptions are allowed, the issue of nonconformity would not be relevant since the use would be allowed by right, unless it exceeds the staff recommended square footage expansion threshold.
- d) Circumvention Potential – The ability to circumvent the special use permit requirement by attaching a big box use to a larger shopping center would not be an issue in those instances where exemptions as stated in Attachment B are permitted.
- e) Benefit of Regulation – If exemptions from the special use permit were applicable, no additional mitigation conditions, as identified in Alternative A, would be required.

2. Legal Uses of the Property – Pursuant to Section 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change. Legal issues resulting from Board actions are appropriately addressed by the County Attorney's office.

3. Timing – There is no timeframe for Board action on a zoning text amendment.

A59

4. Fiscal Implications:

- a) Cost – In those instances where exemptions would be allowed, staff resources would not be necessary to process special use permit applications.
- b) Revenue – Monetary contributions associated with the special use permit for fire and rescue, storm water management and, in some cases, for transportation would not be realized.

5. Community Input – Notification of the zoning text amendment has been advertised in the local media. Properties were not posted nor were notices sent to individual properties. As of the date of this report, issues expressed to staff and the Planning Commission regarding this amendment are as follows:

- a) conflict with proffered design guidelines;
- b) design restraints;
- c) building material restrictions;
- d) tear down provision;
- e) parking lot and landscaping design;
- f) delivery restrictions; and
- g) nonconforming rights.

If exemptions from the special use permit requirement are applied, these issues become moot.

C. Take No Action.

1. Policy Implications:

- a) Requirement Change – The current Zoning Ordinance would remain in effect and there would be no requirement for a special use permit for large, freestanding retail big box uses.
- b) Exemptions – If the amendment is not approved, the question of exemptions from the special use permit requirement is no longer relevant.
- c) Nonconforming Status – Existing large, freestanding retail big box uses would continue without a special use permit.

ALB



- d) Circumvention Potential – Without the special use permit requirement, large, freestanding retail big box uses would have no need to pursue alternative locations.
- e) Benefit of Regulation – If there is no special use permit requirement, no additional mitigation conditions would be required.
- 2. Legal Uses of the Property – Legal issues resulting from Board actions are appropriately addressed by the County Attorney's office. If the Zoning Ordinance is not amended, legal issues would not result.
- 3. Timing – There is no time requirement for Board action on a zoning text amendment.
- 4. Fiscal Implications:
  - a) Cost – If the special use permit is not required, no additional staff resources are necessary to process an application.
  - b) Revenue – Monetary contributions would not be provided for fire and rescue, storm water management, and, in some cases, transportation.
- 5. Community Input – Notification of the zoning text amendment has been advertised in the local media. Properties were not posted nor were notices sent to individual properties. As of the date of this report, issues expressed to staff and the Planning Commission regarding this amendment are as follows:
  - a) conflict with proffered design guidelines;
  - b) design restraints;
  - c) building material restrictions;
  - d) tear down provision;
  - e) parking lot and landscaping design;
  - f) delivery restrictions; and
  - g) nonconforming rights.

If the special use permit is not required, these issues become moot.

- V. Recommendation is that the Board of County Supervisors accept Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box), as contained in Attachment A.

Staff: John White, X6854

A61

**MOTION:**

**April 20, 2004  
Regular Meeting  
Ord. No. 04-**

**SECOND:**

**RE: ZONING TEXT AMENDMENT (ZTA) #2003-00010, LARGE RETAIL  
USES (BIG BOX) (ALL MAGISTERIAL DISTRICTS)**

**ACTION:**

**WHEREAS, the Prince William Board of County Supervisors may amend the Zoning Ordinance, pursuant to the Code of Virginia, when it determines that the health, safety, and general welfare of the public necessitate such change; and**

**WHEREAS, in furtherance of said purpose, such ordinances shall be designed to give reasonable consideration to facilitate the creation of convenient, attractive, and harmonious communities; and**

**WHEREAS, the Code of Virginia allows localities, in their zoning ordinance, to classify the territory under its jurisdiction or any substantial portion thereof into districts, and in each district it may regulate, restrict, permit, prohibit, and determine, among other things, the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures; and**

**WHEREAS, Prince William County has a role in facilitating economic growth through its land use and development policies; and**

**WHEREAS, general welfare and good zoning practice are served by the approval of a zoning text amendment to require that retail facilities above 80,000 square feet be permitted only with a special use permit;**

**NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby approve Zoning Text Amendment (ZTA) #2003-0010, Large Retail Uses (Big Box) attached hereto.**

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For information:  
Planning Director**

**CERTIFIED COPY**

**Clerk to the Board**

**AGZ**



**Zoning Text Amendment (ZTA) #2003-00010, Large Retail Uses (Big Box)**  
**April 8, 2004**  
**Page 9**

**Attachments:**

- A. Proposed Zoning Text Amendment without Exemptions
- B. Proposed Zoning Text Amendment with Exemptions
- C. Areas Designated RCC, Regional Commercial Center
- D. Planning Commission Resolution

AL3

**Zoning Text Amendment – Large Retail Uses (Big Box)**

*Amend the following sections of the Zoning Ordinance to read as follows:*

**ARTICLE 1. TERMS DEFINED**

**PART 100. DEFINITIONS**

Large, Freestanding Retail Use (Big Box) – Any large single occupant building or unit used for retail purposes exceeding eighty thousand (80,000) square feet of gross floor area located in a building or unit, or within a building group of less than five (5) units connected by party walls, partitions, canopies and similar features, and designed as a single or freestanding commercial use or group, which may be included or be part of a shopping center, possibly sharing parking areas and vehicular travel ways with other buildings or uses and which may be connected by walkways and access ways to other buildings or uses.

**ARTICLE IV. COMMERCIAL, OFFICE AND INDUSTRIAL DISTRICTS**

**PART 400. GENERAL REGULATIONS**

**Sec. 32-400.18. Large, Freestanding Retail Use (Big Box) Exceeding Eighty Thousand (80,000) Square Feet of Gross Floor Area in Certain Districts.**

When permitted, the following standards shall be met for any large, freestanding retail use (big box) exceeding eighty thousand (80,000) square feet of gross floor area, compliance with which shall be demonstrated with the plans submitted upon the filing of a special use permit application, except as may otherwise be required. The purpose for these standards, in addition to the overall purposes of the Zoning Ordinance, is to promote architectural excellence and character as well as to ensure compatibility with surrounding uses, enhance property values, improve the environment by mitigating negative impacts, related but not limited to noise, public infrastructure and light pollution, promote improved pedestrian and vehicular movements, encourage efficient use of land, and maintain a positive community appearance:

- (1) Architecture for large, freestanding retail uses (big box):
  - a. Any large, freestanding retail use (big box) building or unit, including other buildings or units within its group, shall be faced on all sides with durable, attractive, high quality materials, comparable to clay brick, stone, wood, architectural concrete masonry unit (e.g., regal stone, split face, precision, ground face), precast concrete panels, or architectural metal panels. All elevations visible (within 1,000 feet) from the nearest edge of any existing or proposed public right-of-way should have a combination of primary and accent materials. In no instance shall EIFS, corrugated or channeled metal, pre-engineered metal or exposed metal wall systems or unfinished/smooth face concrete block or simulated masonry be used as a primary exterior facade. Where parking structures are used, the exterior facades shall be compatible to the large, freestanding retail use (big box) building or unit, including other buildings or units within its group, on the same property with respect to materials, accents, color, etc.



- b. Primary colors for any large, freestanding retail use (big box) building or unit, including other buildings or units within its group, shall be low reflectance, subtle, and neutral or earth tone colors (examples include such colors as beige, sage or forest greens, grays, browns, terracotta, etc.) and shall not include high intensity, metallic, black, bright white or fluorescent tones. Neon tubing shall not be used as an accent feature.
  - c. Facades for any large, free standing retail use (big box) building or unit, including other buildings or units within its group, greater than one hundred (100) feet in length, measured horizontally shall incorporate vertical elements such as wall plane projections or recesses having a depth of at least three (3) percent of the facade length, and extending at least twenty (20) percent of the facade length. In no case shall an uninterrupted facade length exceed one hundred (100) feet.
  - d. Architectural elements (e.g., awnings, canopies and arcades) shall be incorporated into the design for any large, freestanding retail use (big box) building or unit, including other buildings or units within its group.
  - e. With the exception of flat roofs, all roof materials shall be durable, high quality materials, comparable to standing seam metal or architectural grade asphalt shingles.
  - f. Pitched roofs shall be designed with a slope between 1:3 and 1:1 (rise:run) along the primary building facade. Variable roof lines may include raised accent elements such as dormer windows, gables, and chimneys.
- (2) Landscaping and screening for any lot, leased area, tract or property used for large, freestanding retail uses (big box):
- a. A minimum twenty-five (25) foot landscape strip, berms optional, shall be provided along all existing and proposed public rights-of-way with one hundred (100) plant units per one hundred (100) linear feet. This landscape strip shall be provided outside any utility easements or existing or proposed public right-of-way but may contain pedestrian and utility crossings.
  - b. Landscaped areas, including any widths surrounding the edge of pavement or perimeter curbs, islands or planting strips, equivalent to ten (10) percent of the parking area, including spaces, planting islands, loading spaces, curbed areas, corner area within the parking lot, drive aisles, and travel-ways, shall be provided within the parking lot area. Only landscape areas containing large or medium deciduous or evergreen trees shall count toward meeting the ten (10) percent requirement. Landscaped areas shall be aggregated such that no individual area is less than six hundred (600) square feet, with a minimum dimension of twelve (12) feet, and shall be distributed throughout the parking lot or parking area.
  - c. All landscaped areas shall be irrigated and maintained.
  - d. All rooftop equipment shall be screened through the use of parapets or other opaque walls constructed of materials complementary to the exterior walls.

- e. Fencing, at least six (6) feet in height, or walls, except between front building or unit facade and any existing or proposed public right-of-way and between abutting commercial uses or lots, shall be required along lot lines or setback lines as allowed pursuant to Section 32-400.02 and Section 32-400.05 and shall be of durable materials that incorporate architectural features from the primary building(s) on the site; however, the use of chain link fencing, vinyl, barbed wire or razor wire is prohibited. Wrought iron, steel or aluminum picket fence sections between masonry columns is encouraged for fencing.
  - f. All exterior ground mounted equipment (e.g., HVAC, utility boxes, and control boxes) shall be screened from public view with fences, walls, and/or landscaping that are compatible in design with other elements or features utilized for the large, freestanding retail use (big box) and in accordance with any utility company standards.
- (3) Lighting for any lot, leased area, tract or property used for large, freestanding retail uses (big box):
- a. All lighting shall be full cut-off fixtures directed downward and inward to the site. Sodium lights should not be used.
  - b. Light poles and fixtures shall be at a height of no more than thirty (30) feet above finished grade and provide no more than five (5) foot-candles and a uniformity ratio (average to minimum illuminance) of 4:1.
  - c. Building fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Illumination levels on any vertical surface or angular roof shall not exceed five (5) foot-candles.
  - d. Illumination levels shall not exceed 0.5 foot-candles at any residential lot line.
  - e. All exterior light levels shall be reduced to no less than fifty (50) percent of total foot candles within one (1) hour after the close of business.
  - f. Light level shall be certified by a licensed lighting engineer upon the filing of a site plan.
- (4) Operations for large, freestanding retail uses (big box):
- a. If noise levels generated from the following activities are determined to adversely affect any residential unit, deliveries, loading, trash removal or compaction, and other outdoor operational activities (not including outdoor sales) are restricted to the hours of 7 a.m. to 10 p.m.



- (5) Parking and circulation for any lot, leased area, tract or property used for large, freestanding retail uses (big box):
- a. With the exception of spaces within a parking structure, required off-street parking shall be evenly distributed, unless landscaped areas consisting of at least twenty (20) percent of the parking area are provided. For purposes of applying this subsection, between the front facade of a large, freestanding retail use (big box) building or unit, including any other building or units within its group, and any existing or proposed public right-of-way, off-street parking should be limited to fifty (50) percent of the minimum number of spaces required by the DCSM. This requirement also applies if pad sites are located between the front facade of a large, freestanding retail use (big box), including other buildings or units within its group, and the existing or proposed public right-of-way.
  - b. Loading areas shall be screened from view from existing or proposed public right-of-way.
  - c. Storage bays shall be provided for shopping carts within any parking structure or off-street parking areas.
  - d. Merchandise or customer pickup lanes shall be provided outside of or in addition to vehicular travel ways and pedestrian sidewalks.
- (6) Pedestrian access for any lot, leased area, tract or property used for large, freestanding retail uses (big box):
- a. Minimum eight (8) foot wide paved sidewalks shall be provided along all large, freestanding retail use (big box) building or unit facades, including the facades of any other building or units within its group, with customer entrances or building facades abutting customer parking spaces. Landscape elements or features may be allowed within sidewalks, but beverage vending machines and newspaper/magazine stands are prohibited.
  - b. Minimum eight (8) foot wide continuous pedestrian walkways shall be provided from the sidewalks along the public rights-of-way through the parking lot to the sidewalks along the large, freestanding retail use (big box) building or unit facades, including the facades of any other building or units within its group. Pedestrian walkways shall be distinguished from drive aisles and travelways by distinctive paving or landscaped edging.
- (7) Maintenance Plan for large, freestanding retail uses (big box):
- a. A Maintenance Plan shall be provided and approved as part of the conditions of a special use permit that identifies exterior building or unit, landscaping, and parking lot maintenance.
  - b. In the event a large, freestanding retail use (big box) building or unit, including any other building or unit within its group, is vacated or ceases use, the Maintenance Plan shall also identify measures for upkeep until re-occupied. The Maintenance Plan shall contain an adaptive reuse plan to address future use of any building(s) used for large, freestanding retail uses (big box). The Maintenance Plan will remain in force in the event the special use permit lapses or becomes void.

(8) Modifications:

- a. The standards in subsections 1-6 may be modified, but not waived, by the Board of County Supervisors as part of the approval of a special use permit, and the modifications shall be included therein, provided any modifications from the standards set forth within these subsections maintain or are in character with these standards.

(9) Large, freestanding retail (big box) uses in the Redevelopment Overlay District:

- a. When a large, freestanding retail (big box) use is proposed in the Redevelopment Overlay District, the provisions of Section 32-507.02 (3) and Section 32-507.07 shall not apply.

A68



**PART 401. COMMERCIAL DISTRICTS**

**Sec. 32-401.11. Uses Permitted by Right.**

The following uses shall be permitted by right in the B-1 district, provided that no large, freestanding, retail use (big box) exceeding eighty thousand (80,000) square feet of gross floor area is allowed without a special use permit:

- (1) Adult day-care facility.
- (2) Alarm systems operations, office.
- (3) Ambulance service (commercial).
- (4) Antique shop.
- (5) Apparel/clothing store.
- (6) Art gallery (private).
- (7) Bakery, retail.
- (8) Barber shop or beautician studio, tanning and toning salon (one set of toning equipment only).
- (9) Bicycle sales, lease and service.
- (10) Book store.
- (11) Brewery and bottling associated with a restaurant.
- (12) Business school.
- (13) Cafeteria/lunchroom/snack bar/automat.
- (14) Candy store.
- (15) Card, stationery and party supply store.
- (16) Carpet or flooring retail sales.
- (17) Catalog sales (with showroom).
- (18) Catalog sales (without showroom).
- (19) Catering—commercial (off premises).
- (20) Catering—commercial (on or off premises).
- (21) Child-care facility.
- (22) Church.
- (23) Civic club.
- (24) Clock shop sales and service.
- (25) College, university or seminary.
- (26) Commercial artist or photographer's studio.
- (27) Commercial bus station.
- (28) Computer store.
- (29) Copy shop.
- (30) Cultural arts center.
- (31) Data and computer services.
- (32) Department store, variety retail.
- (33) Drug store or pharmacy.
- (34) Dry cleaning/garment processing facility, retail, less than three thousand (3,000) square feet.
- (35) Dry cleaning pick-up facility.
- (36) Feed and grain retail store.
- (37) Financial institution.

## Attachment A

- (38) Florist, plant or gift shop.
- (39) Food store or grocery store.
- (40) Furniture sales or lease, with ancillary upholstery repair permitted.
- (41) Garden center.
- (42) Greenhouse or nursery.
- (43) Gun store, retail.
- (44) Hardware store (outdoor storage, screened, not more than ten (10) percent of gross floor area).
- (45) Hobby and craft shop.
- (46) Home electronics sales, lease and service.
- (47) Home improvement center (outdoor storage, screened, not more than fifty (50) percent of gross floor area).
- (48) Hospital.
- (49) Hotel or motel.
- (50) Household equipment and appliance sales, lease or service.
- (51) Institute for special education and training.
- (52) Interior design and decorating shop.
- (53) Jewelry and engraving store.
- (54) Laundromat.
- (55) Lawn mower sales, lease and service.
- (56) Locksmith.
- (57) Medical or dental laboratory.
- (58) Medical or dental office and clinic.
- (59) Mortuary, funeral or wedding chapel.
- (60) Motor vehicle parts, retail.
- (61) Music store.
- (62) Newsstand.
- (63) Nursing or convalescent care facility.
- (64) Office.
- (65) Office equipment sales, lease and service.
- (66) Optical and eye care facility.
- (67) Package, telecommunications and courier service.
- (68) Pawn or thrift shop.
- (69) Pet store.
- (70) Pet grooming service.
- (71) Photographic processing laboratory.
- (72) Photography retail store.
- (73) Private school (no boarding).
- (74) Propane fuel sales, accessory only.
- (75) Quick service food store where site perimeter (property line or boundary which includes all elements of the use including but not limited to all structures, parking and travelways) is located more than five hundred (500) feet from (1) any lot/parcel zoned for residential purposes or (2) a dwelling unit in an A-1 district or (3) any intersection involving public right-of-way.
- (76) Radio or TV broadcasting station.
- (77) Recording studio.
- (78) Recycling collection points.
- (79) Religious institution with related facilities.

A70

(80) Restaurant, drive-in/drive-up or drive-through where site perimeter (property line or boundary which includes all elements of the use including but not limited to all structures, parking and travelways) is located more than five hundred (500) feet from (1) any lot/parcel zoned for residential purposes or (2) a dwelling unit in an A-1 district or (3) any intersection involving public right-of-way.

- (81) Restaurant, full-service.
- (82) Restaurant, limited service.
- (83) Retail store.
- (84) School of special instruction.
- (85) Shoe store, sales and repair.
- (86) Shopping center, A, B, C or D (See Part 100).
- (87) Specialty food store.
- (88) Sporting goods store.
- (89) Stamp and coin shop.
- (90) Tack and leather goods store.
- (91) Tailor, seamstress shop.
- (92) Theater (drive-in).
- (93) Theater (indoor).
- (94) Tobacconist.
- (95) Tool and equipment rental (minor).
- (96) Trade, conference or convention center.
- (97) Trade, technical and vocational school.
- (98) Travel agency.
- (99) Veterinary hospital.
- (100) Video equipment and tape store.

\*\*\*\*\*

**Sec. 32-401.13. Special Uses.**

The following uses shall be permitted in the B-1 district with a special use permit:

- (1) Ambulance service, maintenance facility.
- (2) Boat sales (excluding nonmotorized), rental or lease, storage, service, or repair.
- (3) Car wash (manned or self-service).
- (4) Commercial kennel.
- (5) Commercial parking.
- (6) Commercial recreation facility (outdoor, paintball facilities only).
- (7) Company vehicle service facility.
- (8) Crematory, ancillary to a hospital, mortuary, or funeral home.
- (9) Farmer's market.
- (10) Flea market.
- (11) Heliport.
- (12) Helistop (not ground level).
- (13) Live entertainment and dancing.
- (14) Marina.
- (15) Medical care facility, specialized.

A71



## Attachment A

- (16) Mobile home or office sales, lease or service.
- (17) Motorcycle sales, rental or lease, service or repair.
- (18) Motor vehicle fuel station, retail.
- (19) Motor vehicle impoundment yard.
- (20) Motor vehicle parts, with service.
- (21) Motor vehicle repair.
- (22) Motor vehicle sales, rental or lease (limited).
- (23) Motor vehicle sales, rental or lease (recreational).
- (24) Motor vehicle service.
- (25) Motor vehicle towing.
- (26) Quick service food store where site perimeter (property line or boundary which includes all elements of the use including but not limited to all structures, parking and travelways) is within five hundred (500) feet of (1) any lot/parcel zoned for residential purposes or (2) a dwelling unit in an A-1 district or (3) any intersection involving public right-of-way.
- (27) Racetrack (equestrian).
- (28) Racetrack (motorized vehicles).
- (29) Railroad passenger station.
- (30) Range, shooting (indoor).
- (31) Restaurant, drive-in/drive-up or drive-through where site perimeter (property line or boundary which includes all elements of the use including but not limited to all structures, parking and travelways) is within five hundred (500) feet of (1) any lot/parcel zoned for residential purposes or (2) a dwelling unit in an A-1 district or (3) any intersection involving public right-of-way.
- (32) Retail uses permitted in Section 32-401.11, whenever a large, freestanding retail use (big box) exceeds eighty thousand (80,000) square feet of gross floor area, in accordance with the provisions of Section 32-400.18.
- (33) Self-storage center; in accordance with the provisions of section 32-400.14.
- (34) Stadium or arena, indoor or outdoor.
- (35) Taxi or limousine operations service facility.
- (36) Travel trailers and camp park.
- (37) Truck stop with related facilities.
- (38) Water transportation facility.

\*\*\*\*\*

### Sec. 32-401.41. Uses Permitted by Right.

The following uses shall be permitted by right in the B-R district, provided that no large, freestanding, retail use (big box) exceeding eighty thousand (80,000) square feet of gross floor area is allowed without a special use permit:

- (1) Adult day-care facility.
- (2) Alarm systems operations, office.
- (3) Ambulance service (commercial).
- (4) Antique shop.
- (5) Apparel/clothing store.
- (6) Art gallery (private).

A72

- (7) Bakery, retail.
- (8) Barber shop, beautician studio, tanning or toning salon (one set of toning equipment only).
- (9) Bicycle sales, lease and service.
- (10) Book store.
- (11) Business school.
- (12) Cafeteria/lunchroom/snack bar/automat.
- (13) Candy store.
- (14) Card, stationery and party supply store.
- (15) Carpet or flooring store.
- (16) Catalog sales (with showroom).
- (17) Catalog sales (without showroom).
- (18) Catering-commercial (off premises).
- (19) Catering-commercial (on or off premises).
- (20) Child-care facility
- (21) Church
- (22) Civic club.
- (23) Clock shop sales and service.
- (24) College, university or seminary.
- (25) Commercial artist or photographer's studio.
- (26) Commercial bus station.
- (27) Computer store.
- (28) Copy shop.
- (29) Cultural arts center.
- (30) Data and computer services.
- (31) Department store, variety retail.
- (32) Drug store or pharmacy.
- (33) Dry cleaning/garment processing facility, retail, less than three thousand (3,000) square feet.
- (34) Dry cleaning pick-up facility.
- (35) Feed and grain retail store.
- (36) Financial institution.
- (37) Florist, plant or gift shop.
- (38) Food store or grocery store.
- (39) Furniture sales or lease, with ancillary upholstery repair permitted.
- (40) Garden center.
- (41) Greenhouse or nursery.
- (42) Gun store, retail.
- (43) Hardware store (outdoor storage, screened, not more than ten (10) percent of gross floor area).
- (44) Hobby and craft shop.
- (45) Home electronics sales, lease and service.
- (46) Home improvement center (outdoor storage, screened, not more than fifty (50) percent of gross floor area).
- (47) Hospital.
- (48) Household equipment and appliance sales, lease and service.
- (49) Institute for special education and training.

A73

## Attachment A

- (50) Interior design and decorating shop.
- (51) Jewelry and engraving store.
- (52) Laundromat.
- (53) Lawn mower sales, lease and service.
- (54) Locksmith.
- (55) Medical or dental laboratory.
- (56) Medical or dental offices and clinic.
- (57) Mortuary, funeral or wedding chapel.
- (58) Motor vehicle parts, retail.
- (59) Music store.
- (60) Newsstand.
- (61) Nursing or convalescent care facility.
- (62) Office.
- (63) Office equipment sales, lease and service.
- (64) Optical and eye care facility.
- (65) Package, telecommunications and courier service.
- (66) Pawn or thrift shop.
- (67) Pet store.
- (68) Pet grooming service.
- (69) Photographic processing laboratory.
- (70) Photography retail store.
- (71) Private school (no boarding).
- (72) Propane fuel sales, accessory only.
- (73) Radio or TV broadcasting station.
- (74) Railroad passenger station.
- (75) Recording studio.
- (76) Religious institution with related facilities.
- (77) Restaurant, full-service.
- (78) Restaurant, limited service.
- (79) School of special instruction.
- (80) Shoe store, sales and repair.
- (81) Shopping center, A, B, C or D (See Part 100).
- (82) Specialty food store.
- (83) Sporting goods store.
- (84) Stamp and coin shop.
- (85) Tack and leather goods store.
- (86) Tailor or seamstress shop.
- (87) Theater (drive-in).
- (88) Theater (indoor).
- (89) Tobacconist.
- (90) Tool and equipment rental (minor).
- (91) Trade, convention or conference center.
- (92) Trade, technical and vocational school.
- (93) Travel agency.
- (94) Veterinary hospital.
- (95) Video equipment and tape store.

\*\*\*\*\*

A74



**Sec. 32-401.43. Special Uses.**

The following uses shall be permitted in the B-R district with a special use permit:

- (1) Ambulance service, maintenance facility.
- (2) Boat sales (excluding nonmotorized), rental or lease, storage, service, or repair.
- (3) Car wash (manned or self-service).
- (4) Commercial kennel.
- (5) Commercial parking.
- (6) Commercial recreation facility (outdoor, paintball facilities only).
- (7) Company vehicle service facility.
- (8) Crematory, ancillary to a hospital, mortuary or funeral home.
- (9) Farmer's market.
- (10) Flea market.
- (11) Heliport.
- (12) Helistop (not ground level).
- (13) Hotel or motel.
- (14) Live entertainment and dancing.
- (15) Marina.
- (16) Medical care facility, specialized.
- (17) Motor vehicle fuel station, retail.
- (18) Motor vehicle parts, with service.
- (19) Motor vehicle repair.
- (20) Motor vehicle sales, rental or lease (limited).
- (21) Motor vehicle sales, rental or lease (recreational).
- (22) Motor vehicle service.
- (23) Motorcycle sales, rental or lease, service/repair.
- (24) Racetrack (equestrian).
- (25) Racetrack (motorized).
- (26) Range, shooting (indoor).
- (27) Retail uses permitted in Section 32-401.41, whenever a large, freestanding retail use (big box) exceeds eighty thousand (80,000) square feet of gross floor area, in accordance with the provisions of Section 32-400.18.
- (28) Self-storage center, in accordance with the provisions of section 32-400.14.
- (29) Stadium or arena, indoor or outdoor.
- (30) Taxi or limousine operations, service facility.
- (31) Truck stop with related facilities.
- (32) Water transportation facility.

\*\*\*\*\*

A75

**Section 32-506.04. Use Regulations.**

**(3) Uses allowed in overlay zone subdistricts designated for retail use:**

(a) The following uses are allowed by right in overlay zone subdistricts designated for retail use, only if allowed by right, by special use permit, by provisional use permit, or as ancillary in the underlying zoning district, but no large, freestanding, retail use (big box) exceeding eighty thousand (80,000) square feet of gross floor area is allowed without a special use permit and shall comply with the provisions of Section 32-400.18.

**Section 32-507.02. Establishment of Redevelopment Overlay Districts.**

**(3) Uses allowed in overlay zone subdistricts designated for retail use:**

(a) The provisions of Section 32-32-507.02 (3) do not apply when a large, free-standing retail (big box) use is proposed in the Redevelopment Overlay District. The provisions of Section 32- 400.18 shall apply and shall supercede all other provisions of this Part 507.

Zoning Text Amendment 2003-00010, Alternative A was passed on April 20, 2004 with a unanimous vote from the Prince William County, Virginia Board of Supervisors.

A76



BOS Mtg  
11/18/2008

Item #08 - Amend Zoning Ordinance RE: Large Retail Establishments

ATTACHMENT #5

# Montgomery County Council

**For Immediate Release**

**November 9, 2004**

Contact: Patrick Lacefield 240-777-7939 or Jean Arthur 240-777-7934

## **COUNCIL APPROVES RESTRICTIONS ON "BIG BOX" STORES IN MONTGOMERY COUNTY**

The Montgomery County Council gave approval today to a measure that provides for a higher level of review for certain combination retail – or "big box" – stores that might seek to locate in the County in the future.

The zoning text amendment passed today would require any retail store in certain commercial zones whose floor area exceeds 120,000 square feet and includes a pharmacy and full-line grocery store to obtain a special exception from the County Board of Appeals.

Club and membership stores would be unaffected by the measure. The city of Gaithersburg already limits the "footprint" of commercial buildings to 80,000 square feet, while Rockville's limit for retail stores is 65,000 square feet.

"This amendment is in the public interest," said Councilmember George Leventhal. "It doesn't ban any retailer. It does, however, require a project to go through a higher level of review, with an opportunity for public input. It's entirely appropriate to try to concentrate business expansion into 'smart growth' areas."

"This is an initiative in favor of small business, in favor of the little guy," said Councilmember Tom Perez. "All too often, 'big box' chain stores roll into town, put small locally-owned firms out of business, and then take off for greener pastures – leaving acres of concrete parking lot and a huge unrentable property behind."

The regulation goes into effect November 29.

###

N  
E  
W  
S  
  
R  
E  
L  
E  
A  
S  
E

A77

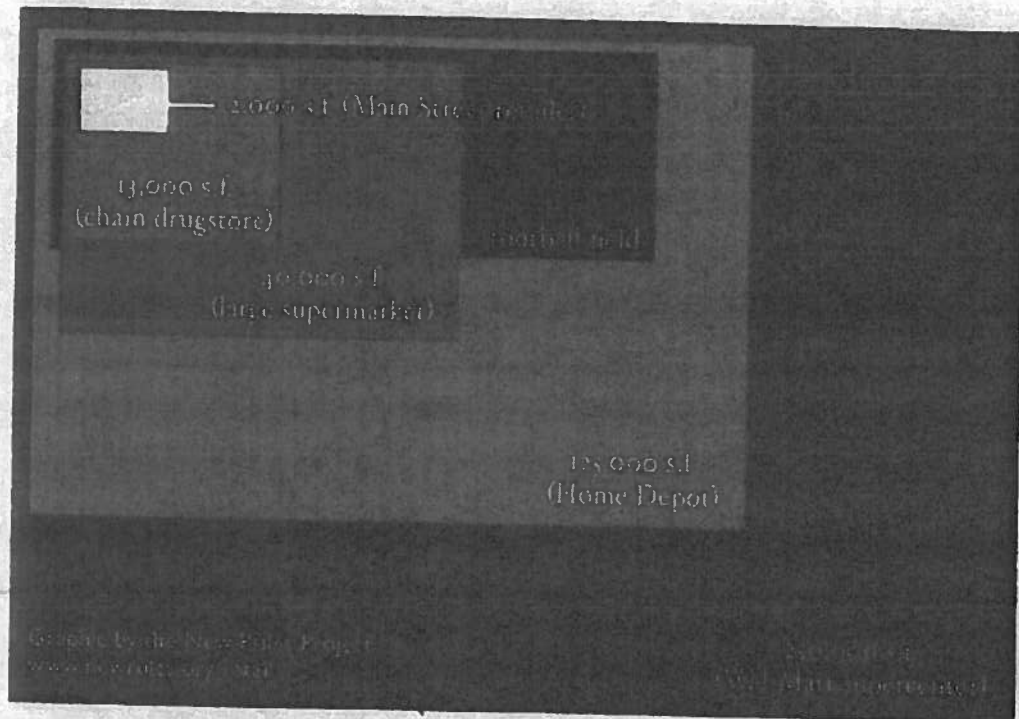


BOS Mtg  
11/18/2008

**ATTACHMENT #6**

Item #08 - Amend Zoning Ordinance RE: Large Retail Establishments

howbigisbig.jpg (JPEG Image, 554x382 pixels)



A78